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Filing date: **01/17/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91167905 |
| Party | Defendant Analytical Graphics, Inc. Analytical Graphics, Inc. 220 Valley Creek Blvd. Exton, PA 193412380 |
| Correspondence Address | Shauna M. Wertheim, Esq. Roberts Abokhair & Mardula, LLC Suite 1000 11800 Sunrise Valley Drive Reston, VA 20191 |
| Submission | Answer |
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| Signature | /Shauna M. Wertheim/ |
| Date | 01/17/2006 |
| Attachments | Answer.pdf (4 pages) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|--|---|--------------------------------|
| NGK SPARK PLUG CO., LTD. |) | |
| |) | |
| <i>Opposer,</i> |) | |
| |) | |
| v. |) | Opposition No. 91167905 |
| |) | |
| ANALYTICAL GRAPHICS, INC., |) | Serial No. 78/437, 619 |
| |) | |
| <i>Applicant.</i> |) | |
| |) | |
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant Analytical Graphics, Inc. (“AGI”), by its undersigned attorneys, answers
Opposer NGK Spark Plug Co., Ltd.’s (“NGK Spark Plug”) Notice of Opposition as follows:

As to the first paragraph of Opposer’s Notice of Opposition, which is not numbered, AGI
is without information or knowledge sufficient to form a belief as to the truth of the allegations
concerning NGK Spark Plug’s corporate status and location; AGI admits the allegations
concerning AGI’s state of incorporation, address, and date of publication of its Mark; and AGI
denies that NGK Spark Plug will be damaged by registration of Applicant’s mark. All other
allegations not specifically admitted are denied.

SPECIFIC ALLEGATIONS

In response to the allegations contained in the numbered paragraphs of NGK Spark Plug’s
Notice of Opposition, AGI responds as follows:

1. AGI is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 1, and accordingly denies the same and demands strict proof thereof.
2. AGI is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 2, and accordingly denies the same and demands strict proof thereof.
3. AGI denies the allegations set forth in paragraph 3.
4. AGI denies the allegations set forth in paragraph 4.
5. AGI denies the allegations set forth in paragraph 5.
6. AGI denies the allegations set forth in paragraph 6.
7. AGI denies the allegations set forth in paragraph 7.
8. AGI is without information or knowledge sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 8, and accordingly denies the same and demands strict proof thereof. AGI denies the allegations set forth in the second sentence of paragraph 8.
9. AGI denies the allegations set forth in paragraph 9.

AGI denies each and every allegation in the prayer for relief and denies that Opposer is entitled to its Opposition being sustained.

AFFIRMATIVE DEFENSES

Opposer's action is barred by the affirmative defense of estoppel.

Opposer's action is barred by the affirmative defense of waiver.


OTHER DEFENSES

Opposer's opposition is barred by the fact that the products to be offered by the Applicant and offered by the Opposer are marketed in different channels of commerce to different classes of customers.

AGI reserves all other affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses, at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

Respectfully submitted,

ANALYTICAL GRAPHICS, INC.


By: 
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Counsel for Applicant Analytical Graphics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2006, a copy of the foregoing Answer to Notice of Opposition was served by first-class mail, postage prepaid upon:

Lawrence E. Abelman
Stephen J. Quigley
Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017-5621



Shauna M. Wertheim